



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

**OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES**

September 21, 2007

Bryan Arroyo  
Acting Assistant Director for Endangered Species  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, D.C. 20204

Dear Mr. Arroyo:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) formal consultation under 50 CFR Part 402.46 (Optional Formal Consultation Procedures for FIFRA Actions) and 50 CFR Part 402.47 (special consultation procedures for complex FIFRA actions). This consultation request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient prometon to the Barton springs salamander (*Eurycea sosorum*). The scope of this assessment is consistent with a settlement agreement that involved litigation brought by the Center for Biological Diversity and the Save our Springs Alliance, against the federal government under the ESA.

Our assessment resulted in a differential determination based on the amount of prometon used in the area. Use of pesticides containing prometon will have no effect if the volume of use is less than 1,650 lbs; is not likely to adversely affect the species (via indirect effects) if use is between 1,650 and 22,000 lbs.; and is likely to adversely affect the species directly at use above 22,000 lbs.

This assessment was conducted consistent with the scientific procedures outlined in the Agency's Overview Document<sup>1</sup> and reviewed by the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service.<sup>2</sup> The effects determination was

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<sup>1</sup> U.S. EPA. 2004. Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs. Office of Prevention, Pesticides, and Toxic Substances. Office of Pesticide Programs. Washington, D.C. January 23, 2004.

<sup>2</sup> USFWS/NMFS. 2004. Letter from USFWS/NMFS to U.S. EPA Office of Prevention, Pesticides, and Toxic Substances. January 26, 2004. (<http://www.fws.gov/endangered/consultations/pesticides/evaluation.pdf>)

made by staff in the Environmental Fate and Effects Division (EFED) within OPP who have been trained by FWS and certified to make effects determinations. Further, the attached assessment and effects determination has undergone review by our internal Peer Review Panel, which included one or more reviewers also trained by FWS and certified to make effects determinations. As you are aware, after having carefully reviewed the Overview Document, FWS concluded that EPA's ecological risk assessment process "will produce effects determinations that reliably assess the effects of pesticides on endangered and threatened species [] and critical habitat pursuant to Section 7 of the [ESA] and [its] implementing regulations", and that "this approach also will produce all information necessary to initiate formal consultation where appropriate."

As agreed to in the past, the subject assessment and effects determination and appendices may be accessed by your staff within the next several days from our Web site at <http://www.epa.gov/oppfead1/endanger/effects>. Please let me know if you have any questions regarding this request or the materials we have developed to initiate this consultation.

Sincerely,

*/original signed by A. Williams, 9/21/07/*

Arthur-Jean B. Williams, Acting Director  
Environmental Fate and Effects Division (7507P)

cc: Debra Edwards  
Steven Bradbury